

110TH CONGRESS
1ST SESSION

H. R. 4245

To amend the Healthy Forests Restoration Act of 2003 to provide for the categorical exclusion of certain projects on Federal land located adjacent to non-Federal land from documentation in an environmental impact statement or environmental assessment when conditions on the Federal land pose a serious risk to the non-Federal land, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements for forest projects on Federal land with non-Federal entities that own adjacent land, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. SALI introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Healthy Forests Restoration Act of 2003 to provide for the categorical exclusion of certain projects on Federal land located adjacent to non-Federal land from documentation in an environmental impact statement or environmental assessment when conditions on the Federal land pose a serious risk to the non-Federal land, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into contracts or agreements for forest projects on Federal land with non-

Federal entities that own adjacent land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saving American Lives
 5 and Investing in Protecting Land And Nature Act”.

6 **SEC. 2. EXPEDITED PERFORMANCE OF FOREST PROJECTS**
 7 **ON FEDERAL LAND WHEN CONDITIONS ON**
 8 **THE FEDERAL LAND POSE A SERIOUS RISK**
 9 **TO ADJACENT NON-FEDERAL LAND.**

10 (a) CATEGORICAL EXCLUSION OF CERTAIN
 11 PROJECTS.—Section 104 of the Healthy Forests Restora-
 12 tion Act of 2003 (16 U.S.C. 6514) is amended—

13 (1) by redesignating subsections (e) through (h)
 14 as subsections (f) through (i), respectively; and

15 (2) by adding at the end the following new sub-
 16 section:

17 “(e) CATEGORICAL EXCLUSION FOR PROJECTS TO
 18 PROTECT ADJACENT NON-FEDERAL LAND.—

19 “(1) BASIS FOR CATEGORICAL EXCLUSION.—An
 20 authorized hazardous fuel reduction project or other
 21 forest project that is proposed to be conducted on
 22 adjacent Federal land or that is recommended in a
 23 community wildfire protection plan may be categori-
 24 cally excluded from documentation in an environ-

1 mental impact statement or environmental assess-
2 ment under the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.) if—

4 “(A) the Secretary determines that the
5 project is consistent with the applicable re-
6 source management plan; and

7 “(B) the decision to categorically exclude
8 the project is made in accordance with applica-
9 ble extraordinary circumstances procedures es-
10 tablished pursuant to section 1508.4 of title 40,
11 Code of Federal Regulations.

12 “(2) PRIORITY FOR CERTAIN PROJECTS.—In
13 providing categorical exclusions under paragraph
14 (1), the Secretary shall give priority to authorized
15 hazardous fuel reduction projects and other projects
16 recommended in a community wildfire protection
17 plan.

18 “(3) ADJACENT FEDERAL LAND DEFINED.—In
19 this subsection, the term ‘adjacent Federal land’
20 means an area of Federal land that, while not lo-
21 cated in the wildland-urban interface, is located
22 within not more than 1½ miles of non-Federal land,
23 and the Secretary, in the exercise of the Secretary’s
24 sole discretion, determines that conditions on the
25 Federal land, such as the risk of wildfire, an insect

1 or disease epidemic, or the presence of invasive spe-
2 cies, pose a risk to the adjacent non-Federal land.”.

3 (b) ENHANCED COOPERATION WITH NON-FEDERAL
4 LANDOWNERS.—Title I of the Healthy Forests Restora-
5 tion Act of 2003 (16 U.S.C. 6511 et seq.) is amended by
6 adding at the end the following new section:

7 **“SEC. 109. COOPERATION WITH NON-FEDERAL LAND-**
8 **OWNERS OF LAND ADJACENT TO FEDERAL**
9 **LAND TO ENHANCE PROTECTION OF BOTH**
10 **THE FEDERAL AND NON-FEDERAL LAND.**

11 “(a) USE OF NON-FEDERAL LANDOWNERS TO CON-
12 DUCT FOREST PROJECTS.—The Secretary may enter into
13 a contract or agreement with a non-Federal entity to con-
14 duct an authorized hazardous fuels reduction project or
15 other project that is proposed to be conducted on Federal
16 land that is located within not more than 1½ miles of
17 non-Federal land owned by the non-Federal entity or that
18 is covered by a community wildfire protection plan that
19 also covers the non-Federal land owned by the non-Fed-
20 eral entity if—

21 “(1) the Secretary, upon request by the non-
22 Federal entity and in the exercise of the Secretary’s
23 sole discretion, determines that conditions on the
24 Federal land, such as the risk of wildfire, an insect

1 or disease epidemic, or the presence of invasive spe-
2 cies, pose a risk to the adjacent non-Federal land;

3 “(2) the Secretary determines that the contract
4 or agreement is in the interest of the Federal gov-
5 ernment and the landowner and will promote the
6 goals of this Act; and

7 “(3) the authorized hazardous fuels reduction
8 project or other project is consistent with the appli-
9 cable resource management plan.

10 “(b) GOODS FOR SERVICES.—The Secretary may
11 allow the exchange of goods for services in an agreement
12 or contract entered into under this section.”.

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